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DEPARTMENT OF COMMERCE

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/484,918	06/07/95	MOORE	INRINC=001/050

B3M1/1016

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EXAMINER

ENG. ID

ART UNIT PAPER NUMBER

2315

13

DATE MAILED: 10/16/97

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

#### OFFICE ACTION SUMMARY

- Responsive to communication(s) filed on 7/7/97  
 This action is FINAL.  
 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

- Claim(s) 19-21, 65-67 + 72-79 is/are pending in the application.  
Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 Claim(s) \_\_\_\_\_ is/are allowed.  
 Claim(s) 19-21, 65-67 + 72-79 is/are rejected.  
 Claim(s) \_\_\_\_\_ is/are objected to.  
 Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.  
 The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.  
 The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.  
 The specification is objected to by the Examiner.  
 The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).  
 All  Some\*  None of the CERTIFIED copies of the priority documents have been received.  
 received in Application No. (Series Code/Serial Number) \_\_\_\_\_  
 received in this national stage application from the International Bureau (PCT Rule 17.2(e)).

\*Certified copies not received: \_\_\_\_\_

- Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- Notice of Reference Cited, PTO-892  
 Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  
 Interview Summary, PTO-413  
 Notice of Draftsperson's Patent Drawing Review, PTO-948  
 Notice of Informal Patent Application, PTO-152

Art Unit:

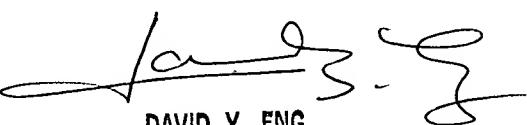
The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 19-21, 65-67 and 72-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Magar.

See at least Figures 1 and 2a and the corresponding description in the specification of Magar. Figure 1 shows a data processing system having a single chip microcomputer 10 and a I/O interface 12. Figure 2a shows that the microcomputer includes clock generator and a cpu (the rest of the components). Since the microcomputer of Magar is fabricated on a single chip, one of ordinary skill in the art should readily recognize that the speed of the cpu and the clock vary together due to manufacturing variation, operating voltage and temperature of the IC.

As to the claims directed to the interface, it is noted that the microcomputer 10 and the interface 12 are of two separate components connected to the buses, one of ordinary skill in the art should readily know that the interface is controlled by a clock within the interface.

Applicant's arguments with respect to claims 19-21, 65-67 and 72-79 have been considered but are moot in view of the new ground(s) of rejection.



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As to the claims directed to the interface, it is noted that the microcomputer 10 and the interface 12 are of two separate components connected to the buses, one of ordinary skill in the art should readily recognize that the interface is controlled by a clock within the interface.

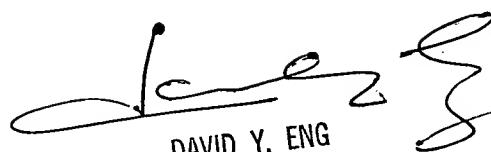
In the communication filed on July 07, 1997, applicants contend that Magar's clock is external to the IC. See lines 48-50 of column 3, lines 26-27 of column 17 and Figures 1 and 2a. The clock is clearly on-chip.

Applicants states that Figure 17 of the instant application shows two clocks and that Magar's clock corresponds to applicant's I/O interface clock and therefore Mager does not show another clock 430 as shown in the drawing. Applicants' clock 434 is for controlling I/O interface and not for controlling the cpu. Applicants' clock 434 therefore does not correspond to Magar's on-chip clock which is for controlling cpu. Magar's clock's clock corresponds to applicants' clock 430 because they both are for controlling cpu. Note also that the claims do not call for two clock system. Magar's clock clearly meets the claim limitation.

Applicants contend that oscillator, and clock each have different definitions. Applicants' oscillator therefore is different from Magar's clock. Regardless of their different definitions, both applicants' oscillator and Magar's clock are timing devices made of electronic components for controlling microprocessor. Pelgrom teaches that if electronic devices are made from the same basic material and from the same process, their characteristics vary in the same manner. From the teaching, it would have been obvious to a person of ordinary skill in the art to use the same process and material to make the electronic components of Magar's cpu and its timing device

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such that their characteristics vary in the same manner. Further, Figure 17 clearly labels device 430 as a clock and not an oscillator as claimed.



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